

ASSEMBLY, No. 1571

STATE OF NEW JERSEY

220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Assemblyman WILLIAM F. MOEN, JR.

District 5 (Camden and Gloucester)

Assemblyman JAMES J. KENNEDY

District 22 (Middlesex, Somerset and Union)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Assemblywoman Haider

SYNOPSIS

Provides for establishment of three-year pilot program to expand provision of paratransit services in New Jersey.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 5/26/2022)

1 **AN ACT** concerning the expansion of paratransit services in New
2 Jersey and supplementing Title 27 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. a. The Commissioner of Transportation, in consultation with
8 the Commissioner of Human Services, shall establish a three-year
9 pilot program to enhance the availability and accessibility of
10 paratransit and expand the number of community-based paratransit
11 options for senior citizens and persons with disabilities in the State,
12 particularly in those areas of the State that are not served by the
13 State's Access Link program.

14 b. The commissioner shall designate at least three regions of the
15 State, one in the southern, one in the northern, and one in the central
16 parts of the State, in which the pilot program shall operate. When
17 designating paratransit service regions pursuant to this subsection,
18 the commissioner shall consider:

19 (1) the demand for paratransit services in the region and the
20 number of people who would benefit from enhanced paratransit
21 services in the region;

22 (2) whether, and the extent to which, the region is served by
23 Access Link. To the extent practicable, pilot program service regions
24 shall be designated in areas of the State that are not well served by
25 Access Link; and

26 (3) any other factor deemed by the Commissioners of
27 Transportation or Human Services to be relevant.

28 c. The Commissioner of Transportation shall solicit applications
29 from, and shall approve a sufficient number of, community-based
30 organizations to provide paratransit services under the pilot program.
31 In order to provide paratransit services under the pilot program, an
32 applicant shall:

33 (1) be established as a community-based for-profit or not-for-
34 profit organization. Community-based organizations that are
35 dedicated to providing services to senior citizens or to persons with
36 disabilities shall receive priority consideration for pilot program
37 participation over other types of community-based organizations;

38 (2) certify to the commissioner that the organization is capable of
39 complying with the transportation responsibilities established under
40 the pilot program;

41 (3) demonstrate that the organization has a workers'
42 compensation policy, a general liability insurance policy, and an
43 automobile liability insurance policy that covers all vehicles that will
44 be used in the provision of paratransit services under the pilot
45 program. If a provider fails to demonstrate that it has all three
46 insurance policies and that each policy is current, the provider shall
47 be prohibited from providing paratransit services under the pilot
48 program;

- 1 (4) certify that, when operating under the pilot program, the
2 provider will use vehicles that seat no less than four passengers, in
3 addition to the driver;
- 4 (5) certify that all drivers and other staff members employed by
5 the provider are appropriately licensed or certified to provide
6 transportation services, as required by law;
- 7 (6) comply with all applicable criminal history record
8 background check requirements imposed by the commissioner, and
9 not employ any driver or other person who has ever been convicted
10 of a disqualifying offense, as defined by the commissioner,
11 regardless of the date of the offense or conviction therefor;
- 12 (7) register each vehicle to be used in the pilot program as a
13 “commercial” or “livery” vehicle, as appropriate, and maintain a
14 current vehicle inspection report for each such vehicle. Any vehicle
15 that is not appropriately registered, that does not have a current
16 vehicle inspection report, or that has failed its most recent vehicle
17 inspection shall not be used to provide paratransit services under the
18 pilot program; and
- 19 (8) commit to providing paratransit services within fifteen
20 minutes of the scheduled pick-up time.
- 21 d. Each community-based organization that is approved to
22 provide paratransit services under the pilot program shall ensure that
23 training is completed by the organization’s drivers and by other staff
24 members who will come into direct contact with a person receiving
25 paratransit services, either within three months after the organization
26 is approved to participate in the pilot program or within 30 days after
27 the employee is hired, whichever is later. Training shall include
28 instruction on how to provide appropriate and courteous treatment,
29 how to engage in positive interactions with, and how to satisfy the
30 special needs of, persons who are receiving paratransit services under
31 the pilot program. The Commissioner of Human Services shall
32 develop and distribute training materials to all approved community-
33 based paratransit service providers for the purposes of this
34 subsection.
- 35 e. Each community-based organization approved to participate
36 in the pilot program shall maintain the following records and make
37 them available to the Commissioners of Transportation and Human
38 Services at the conclusion of each year of the pilot program’s
39 operation or at more frequent intervals as determined by the
40 commissioner to be appropriate:
 - 41 (1) a daily and monthly paratransit log showing the types of
42 vehicles dispatched, the number of unique passengers served, and the
43 dedicated routes, if any, or pick-up locations that were established
44 for and used by each vehicle;
 - 45 (2) a log of cases in which the waiting time for paratransit service
46 was in excess of 15 minutes past the scheduled pick-up time; and

1 (3) a copy of any complaints received by the provider in relation
2 to the services provided under the pilot program, including an
3 indication as to whether and how each complaint was resolved.

4 f. Within 90 days after the conclusion of the three-year pilot
5 program, the Commissioners of Transportation and Human Services
6 shall jointly prepare and submit a written report to the Governor and,
7 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
8 Legislature, evaluating the success of the program. At a minimum,
9 the report shall include the following information:

10 (1) the areas of the State that were designated as paratransit
11 service regions under the pilot program and the extent to which those
12 service regions were already being served by Access Link;

13 (2) the number and identity of community-based organizations
14 that were approved to participate in the pilot program and the
15 designated service regions in which each organization was assigned
16 to provide services;

17 (3) the total number and average size of vehicles used for
18 paratransit services under the pilot program;

19 (4) the total number of persons served by the pilot program and
20 the locations of such persons in the State;

21 (5) the manner in which vehicles were dispatched under the pilot
22 program; specifically, whether vehicles were assigned to particular
23 service routes or were dispatched in response to individual
24 appointment requests;

25 (6) the number and nature of complaints filed by consumers with
26 respect to the paratransit services provided under the pilot program
27 and the status and nature of the resolution of those complaints; and

28 (7) a recommendation as to whether the pilot program should be
29 continued on a permanent, Statewide basis, including an indication
30 of any concerns associated with permanent implementation and any
31 recommendations for executive or legislative action that will be
32 necessary to ensure the program's success on a permanent, Statewide
33 basis.

34 g. As used in this section:

35 "Access Link" means the paratransit service implemented by the
36 New Jersey Transit Corporation for the purposes of complying with
37 the "Americans with Disabilities Act of 1990," Pub.L.101-336 (42
38 U.S.C. s.12101 et seq.).

39 "Commissioner" means the Commissioner of Transportation,
40 acting in consultation with the Commissioner of Human Services.

41 "Paratransit services" means the same as that term is defined by
42 section 3 of P.L.1979, c.150 (C.27:25-3).

43
44 2. The Commissioner of Transportation, in consultation with the
45 Commissioner of Human Services, shall adopt rules and regulations,
46 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
47 (C.52:14B-1 et seq.), as may be necessary to implement the
48 provisions of this act.

1 3. This act shall take effect on the first day of the fourth month
2 next following the date of enactment, except that the Commissioners
3 of Transportation and Human Services may take any anticipatory
4 administrative action in advance thereof as may be necessary to
5 implement the provisions of this act. The act shall expire 30 days
6 after the submission of the commissioners' report pursuant to
7 subsection f. of section 1 of this act.

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10 STATEMENT
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12 This bill would require the Commissioner of Transportation, in
13 consultation with the Commissioner of Human Services, to establish
14 a three-year pilot program to enhance the availability and
15 accessibility of paratransit and expand the number of community-
16 based paratransit options for senior citizens and persons with
17 disabilities in the State, particularly in those areas of the State that
18 are not served by the Access Link – the paratransit service that has
19 been implemented by the New Jersey Transit Corporation for the
20 purposes of complying with the “Americans with Disabilities Act of
21 1990,” Pub.L.101-336 (42 U.S.C. s.12101 et seq.).

22 The commissioners, in consultation with each other, will be
23 required to designate at least three regions of the State, one in the
24 southern, one in the northern, and one in the central parts of the State,
25 in which the pilot program will operate. When designating
26 paratransit service regions, the commissioners are to consider: 1) the
27 demand for paratransit services in the region and the number of
28 people who would benefit from enhanced paratransit services in the
29 region; 2) whether, and the extent to which, the region is served by
30 Access Link; and 3) any other factor deemed to be relevant. To the
31 extent practicable, pilot program service regions are to be designated
32 in areas of the State that are not well served by Access Link.

33 The bill will require the Commissioner of Transportation to solicit
34 applications from, and approve a sufficient number of, organizations
35 to provide paratransit services under the pilot program. In order to
36 be approved to provide paratransit services under the pilot program,
37 a service provider will need to: 1) be a community-based for-profit
38 or not-for-profit organization (with priority consideration being
39 given to those community-based organizations that are dedicated to
40 serving senior citizens or persons with disabilities); 2) certify that the
41 provider is capable of complying with the transportation
42 responsibilities established under the pilot program; 3) demonstrate
43 that the provider has a workers' compensation policy, a general
44 liability insurance policy, and an automobile liability insurance
45 policy that covers all vehicles that will be used in the provision of
46 paratransit services under the pilot program; 4) certify that, when
47 operating under the pilot program, the provider will use vehicles that
48 seat no less than four passengers, in addition to the driver; 5) certify

1 that all drivers and other staff members employed by the provider are
2 appropriately licensed or certified to provide transportation services,
3 as required by law; 5) comply with all applicable criminal history
4 record background check requirements imposed by the
5 Commissioner of Transportation, in consultation with the
6 Commissioner of Human Services, and not employ any driver or
7 other person who has ever been convicted of a disqualifying offense,
8 regardless of the date of the offense or conviction therefor; 6) register
9 each vehicle to be used in the pilot program as a “commercial” or
10 “livery” vehicle, as appropriate, and maintain a current vehicle
11 inspection report for each such vehicle; and 7) commit to providing
12 paratransit services within fifteen minutes of the scheduled pick-up
13 time.

14 Each community-based organization approved to participate in the
15 pilot program will also be required to ensure that training is
16 completed by the organization’s drivers and by other staff members
17 who will come into direct contact with a person receiving paratransit
18 services, either within three months after the organization is
19 approved to participate in the pilot program or within 30 days after
20 the employee is hired, whichever is later. Training is to include
21 instruction on how to provide appropriate and courteous treatment,
22 how to engage in positive interactions with, and how to satisfy the
23 special needs of, persons who are receiving paratransit services under
24 the pilot program. The Commissioner of Human Services will be
25 required to develop and distribute training materials to all approved
26 providers.

27 Each community-based organization approved to participate in the
28 pilot program will be required to maintain the following records and
29 make them available to the commissioners at the conclusion of each
30 year of the pilot program’s operation or at more frequent intervals as
31 determined by the commissioners to be appropriate: 1) a daily and
32 monthly paratransit log showing the types of vehicles dispatched, the
33 number of unique passengers served, and the dedicated routes, if any,
34 or pick-up locations that were established for and used by each
35 vehicle; 2) a log of cases in which the waiting time for paratransit
36 service was in excess of 15 minutes past the scheduled pick-up time;
37 and 3) a copy of any complaints received by the provider in relation
38 to the services provided under the pilot program, including an
39 indication as to whether and how each complaint was resolved.

40 Within 90 days after the conclusion of the three-year pilot
41 program, the commissioners will be required to jointly prepare and
42 submit a written report to the Governor and the Legislature,
43 evaluating the success of the program. The report is to include
44 certain details about the program, as specified by the bill, as well as
45 an indication as to whether the pilot program should be continued on
46 a permanent, Statewide basis and recommendations for any executive
47 or legislative action that will be necessary to ensure the program’s
48 ongoing success, if continued.